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BEGINS DISTRIBUTION OF NEW LOAN FUND

Distribution of the new loan fund has begun, several allotments already having been made by Governor Frear to the various commissions and others being prepared to hand over to the commissions for proposed improvements just as soon as advertisements for tenders have been made and the tenders for the jobs have come in to the commissions.

One of the first allotments is \$5416 for the construction of the schoolhouse at Hana, Maui, the contract for the job having been let to Otto Oass for that amount.

The allotments to the various projects arranged by the Governor some time ago were only tentative, and the commissions that expect to get the money for them must "get busy" immediately, for it is to be a case of "first come first served," within certain limitations of course. The Governor does not care to repeat the experience of a year ago, when allotments were made for certain projects that were not in shape to make use of the funds, with the result that a large sum of money still remains in the territorial treasury unused. Hereafter the money will not be allotted to an improvement until the commission in charge is ready to make immediate use of the money.

Applications for allotments are coming in rapidly from the various commissions, and in almost every instance they are important. The executive to grant them as much of the loan fund as possible. A place will be found for every dollar of the new fund by the time all the cash is on hand.

FLAG-RAISING PROGRAM AT LILUOKALANI SCHOOL

At a meeting of the committee at Elks Hall at noon today, the program for the flag-raising at Liluokalani school, Kaimuki, on Friday next at 1:45 p. m., was arranged as far as could be had. It is as follows:

1. Overture.....Hawaiian Band
2. Introductory remarks.....President H. C. Davis of Waialae, Palolo and Kiamaki Improvement Club.
3. Flag-raising.....School and Audience
4. Song—"Red, White and Blue".....School
5. Flag salute and drill.....School
6. Oration.....Led by band
7. Final—"Star Spangled Banner".....Led by band

Since last previous meeting the committee was regrettably informed by Judge R. P. Quarles that he would be unable to deliver the oration as promised, having been called away to Maui on business.

Admiral Cowles was unable to comply with the request for the services of the Marine Corps band, but through the kindness of Acting Bandmaster Naone and Mayor Fern the Hawaiian band, although on its month's vacation, has been promised for the event.

Major Timberlake kindly granted the request of the committee for the services of two buglers to officiate at the hoisting of the national banner. Major Timberlake's young son will assist in the ceremony by handing the flag to the G. A. R. officer of the day. The Grand Army ritual for flag-raising will be performed.

Miss Needham, principal of the school, will cooperate with the club in carrying out the program. The flag salute and drill will be performed by pupils trained in those respects. Possibly a well-known soloist will lead in the song exercises of the school.

The committee wishes the residents of the district to display the national colors on the day of the event.

Lucy Goode White, the only woman who ever aspired to a seat on the California superior court bench, failed to pass her examination for entrance to the California bar.

Nearly one-third of a million dollars for foreign missions was received into the treasury of the general conference of Seventh Day Baptist during the past eight months.

POLITICAL NEWS AND NOTES

At a meeting of precinct club presidents at Democratic headquarters last night arrangements were made for the big mass meeting at Aala Park tomorrow night, which will constitute the opening gun of the campaign. There will be music by the Quintette Club, but the band will not be present owing to the fact that its members are on their annual vacation.

The meeting is called for the purpose of introducing the Democratic candidates to the electorate and those in the race will at this time announce their positions on questions of interest to the public. The list of speakers follows in the order named: C. J. McCarthy, Jack Kalakie, E. H. F. Walter, T. J. Ryan, C. H. Rose, J. W. Asch, J. M. Poepeo, S. S. Paxson, Kanio, A. J. Wirtz, W. P. Jarrett, Lester Petrie, W. H. McCellan, C. P. Pauka, Joseph Lightfoot, B. N. Kahalepuna, J. L. Coke, John Markham, M. C. Pacheco, J. J. Fern.

"There was no meeting of the Republican club of the ninth precinct of the Fifth District last night, as the morning papers say," Edward Moreno, a member of the executive committee of the club, stated this forenoon.

"It is true that a petition was signed by sixty members for the removal of Solomon Mahelona from the secretaryship, but the club has held no meeting to consider that matter. The executive committee has gone on record to ignore Mahelona and all his movements in the present campaign, and that is all there is to it."

In equity to declare and execute a trust was filed in the same Circuit Court by the said A. F. Judd, as next friend of George and Francis, minors, against C. A. Brown, John A. Magoon and Irene; which will, after narrating the history of the proceedings relating to the estate of the said John II, deceased, alleged that the said will directed that if the said Irene should die, having borne children, the said property should descend to her children, but that she should be the first heir, meaning and intending thereby that during her life she should have the use and benefit of the said property, and that her children, by virtue of said will, are "the absolute owners in fee" of the same, subject only to their said mother's life estate; and further alleged the divorce of the said Irene from the said defendant C. A. Brown, and the execution of a deed of conveyance by them of the said property "in trust for the organization of a corporation to hold the same and to deliver one-third of the shares to the said Irene, one-third to the said Brown, and a third to the plaintiffs, which corporation was duly organized under the name of The John II Estate Limited, and delivery of shares made accordingly, except that one share of the stock was issued to C. A. Brown, which was caused by him to be issued in the name of J. A. Magoon, one of the defendants hereto; and contended that the defendants held such shares subject to a trust that upon Irene's death the same shall be assigned to the plaintiffs.

The bill thereupon contended that no legal adjudication had been made of said questions of law, referring to the reserved questions upon which the Supreme Court had ruled as set forth above, for the following reasons, to wit:

1. No decree was made in any of such proceedings.
2. In all such proceedings, the children and Irene were represented by the same counsel, although their interests were conflicting.
3. No court which was organized as required by the Constitution of the Republic of Hawaii had obtained appellate jurisdiction of any of the said reserved questions of law.
4. The jurisdiction of the said Supreme Court concerning the construction of the said will, if it ever existed, ended upon its determination that no trust was in existence concerning the said property.
5. All matters of law arising and pending in the first case before Judge Cooper were required by law to be decided by him and by no other court or judge, and the same, nothing having been decided by him, were not lawfully presented or decided by any other court or judge.
6. There was no statutory or other authority to reserve questions of law in the first case for the opinion of the Supreme Court and such reserved questions of law did not lawfully come before such court, and so it had no jurisdiction thereof.
7. Judge Whiting of the Supreme Court had no constitutional authority to reorganize the Supreme Court, two of the justices thereof being disqualified, by installing two members of the bar of the Supreme Court to sit in their places for the decision of such questions.
8. After argument upon such reserved questions before such court, upon the withdrawal of one of such substituted justices, before an opinion was reached by such court, a new court to hear argument and decide such questions could not be lawfully organized.

The bill prayed, among other things, for an order restraining the defendants from disposing of the shares held by them as aforesaid, and that they be decreed to assign the shares held by them in a trustee in trust during the life of said Irene, to pay the income thereof to those entitled thereto and at her death to assign all of the said shares to the plaintiffs; and for general relief.

The bill was demurred to on general and special grounds, one of the latter being to the effect that "it does not appear that any of the property or estate of the plaintiffs was conveyed to said corporation either by them (Irene and C. A. Brown) or by any person purporting to act in their behalf."

The court sustained the demurrers on the ground that the deed of conveyance referred to, which was made a part of the bill, did not convey or purport to convey the estate of the plaintiffs in the "said property"—the estate of John II, deceased—supposing they had an estate therein.

The plaintiffs thereupon amended their bill by adding thereto averments of intention on the part of the grantors of the said deed or conveyance to convey to trustees for the organization of a corporation the fee simple of the lands devised by the will to the plaintiffs, and that the ownership in fee simple in such lands was claimed and exercised by the said corporation by virtue thereof; that the defendants claimed that the said proceedings and decision of the supreme court were conclusive upon the plaintiffs and forever barred them from setting up any title under the said will to the said lands, and that by reason of the

said decision of the Supreme Court, they have been deprived of trustees as provided by the said will for the protection of their interests as remaindermen, and that unless the invalidity of said proceedings and decision, and also the plaintiffs' titles therein claimed, be declared by the court, a cloud will rest upon their title, and their rights as such remaindermen may be subject to costly and difficult legislation.

It is admitted by all parties that Irene has had only three children—George, Francis and Lorraine II, and that the latter died in infancy. By the Hawaiian law of descent of property, Irene and C. A. Brown, the parents of Lorraine II, are her heirs.

A decree will be entered requiring the said fund of ten thousand dollars be paid to a qualified trustee satisfactory to the court, who shall be required to invest such fund and pay the income thereof, subject to proper charges, to Irene during her lifetime, and at her death to pay one-third of the principal and accrued increment to George or his representatives, and one-sixth to the representatives of the said Irene and one-sixth to the said C. A. Brown, or his representatives, with the contingent provision that if any other children should hereafter be born to the said Irene, such distribution to be made according to the interest of all her children and their representatives, under the rule set forth in the foregoing decision. The suggestion is offered that the estate, otherwise the John II Estate, Limited, be named in the decree as such trustee; and counsel will be heard on this point if they so desire.

Wallace McDougall, well known about town, was placed under arrest and languishes at the central station with a charge of passing a worthless check against his name.

Chief of Detectives McDuffie was called upon by the management of a local cafe to seek McDougall, it being alleged that he visited the place and, after enjoying the hospitality of the restaurant, tendered a check on a Honolulu bank for ten dollars, in payment of his account.

The amount was deducted and change was given McDougall, but a day later it was discovered that the piece of paper was worthless in that it was not backed up by sufficient funds at the bank in question.

The police allege that McDougall may have other and more serious charges to answer to before the law has taken its course.

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